

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

IN RE AQUA DOTS PRODUCTS
LIABILITY LITIGATION

MDL No. 1940

Lead Case No. 1:08-cv-2364

THIS DOCUMENT RELATES TO: ALL
ACTIONS

Judge David H. Coar

Magistrate Judge Susan E. Cox

**MOTION OF MOOSE ENTERPRISES PTY LTD. FOR LEAVE TO FILE OVERSIZED
MEMORANDUM**

Defendant's Moose Enterprises Pty Ltd., ("Defendants"), by their attorneys, respectfully request leave of the Court to file an oversized memorandum in support of their Rule 12 motion to dismiss Plaintiffs' claims, and in support thereof state as follows:

1. This matter started as an MDL proceeding with nine separate class action complaints. Plaintiffs in those cases combined their claims into a single Consolidated Amended Class Action Complaint (the "Consolidated Complaint") brought by twelve individual Plaintiffs from nine different states. Moose Enterprise Pty Ltd. are required to file their Rule 12 motion on Friday, June 27.

2. The Consolidated Complaint sets forth nine separate causes of action, one under the Consumer Product Safety Act and eight under state statutory and common law. Since the named Plaintiffs reside and purchased their products in nine different states, a motion under Rule 12 requires discussion of nine states' laws for each of the state law claims. In light of these issues and despite their best efforts, Defendants are unable to prepare a memorandum that meaningfully addresses Plaintiffs' claims within the 15-page limit. In order to do that Defendants believe they need to be able to submit a memorandum supporting their Rule 12 motion that is 30-40 pages in length.

3. As for the filing of this motion, Defendants' counsel has attempted to confer with the lead Plaintiff's counsel group; however has not yet received a response regarding whether they will oppose this motion. In light of Plaintiffs statement that they will not oppose an identical motion being brought by the Spin Masters defendants, Moose anticipates that this motion will be unopposed as well. This request is being made in good faith and not for any improper purpose.

4. Defendants therefore request that this Court grant them leave to exceed the 15-page limit set by Local Rule 7.1 by up to 25 pages. To comply with Local Rule 7.1, Defendants' Memorandum in Support of their Motion to Dismiss would include both a table of contents and a table of authorities,

WHEREFORE, for the foregoing reasons, Defendants respectfully requests leave to file a Memorandum in Support of their Motion to Dismiss Plaintiffs' Consolidated Complaint that exceeds fifteen pages.

Dated: June 23, 2008

Respectfully submitted,

MOOSE ENTERPRISE PTY LTD.

By: 
CLINTON & CLINTON

David A. Clinton (CA Bar No. 150107)
Dana M. Gilreath (CA Bar No. 227745)
100 Oceangate, 14th Floor
Long Beach, California 90802
Tel. (562) 216-5000
Fax (562) 216-5001

ATTORNEY IN CHARGE FOR
DEFENDANT, MOOSE ENTERPRISE
PTY LTD.

CERTIFICATE OF SERVICE

I, Catherine M. Cruz, certify that on June 23, 2008 I sent a copy of the attached **MOTION OF MOOSE ENTERPRISES PTY LTD. FOR LEAVE TO FILE OVERSIZED MEMORANDUM** to all parties on the Panel Attorney Service List via e-mail to the addresses listed below.

CATHERINE CRUZ

Ben Bornow, Esq. BARNOW & ASSOCIATES PC b.barnow@barnowlaw.com <u><i>Attorney for Plaintiff, Robyn Williams</i></u>	Jack Reise, Esq. COUGHLIN, STOIA, GELLER, RUDMAN & ROBINS, LLP. jreise@csgrr.com <u><i>Attorney for Plaintiff, Sara Bertanowski, Simon Beranowski and Anthony B. White</i></u>
Mila F. Bartos, Esq. FINKELSTEIN THOMPSON, LLP. mthompson@finkelsteinthompson.com <u><i>Attorney for Plaintiff, Sandra Irene Soderstedt</i></u>	William N. Riley, Esq. PRICE, WAICUKAUSKI & RILEY, LLC. wriley@price-law.com <u><i>Attorney for Plaintiff, Eric K. Botsch</i></u>
Laurence King, Esq. KAPLAN, FOX & KILSHEIMER, LLP. lking@kaplanfox.com <u><i>Attorney for Plaintiff, Kim A. Cosgrove</i></u>	James Alex Streett, Esq. STREETT LAW FIRM James@streettlaw.com <u><i>Attorney for Plaintiff, Fonald C. Erbach, Jr. and Stephanie S. Streett</i></u>
Ralph K. Phalen, Esq. phalenlaw@comcast.com <u><i>Attorney for Plaintiff, Michael J. Burgess</i></u>	Thomas J. Wiegand, Esq. WIEGAND, WINSTON & STRAWN, LLP twiegand@winston.com <u><i>Attorney for Defendant, Spin Master, Ltd., Spin Master, Inc. and Target Corporation</i></u>